

August 6, 2011
20 Azalea Place
Novato, CA 94949

Dave Walls, Executive Director
California Building Standards Commission
2525 Natomas Park Drive
Suite 130
Sacramento, CA 95833-2936

**Subject: Express Terms, CDPH Title 24, Chapter 31B, Public Pools,
7/15/2011**

Mr. Walls,

I have a third set of comments to make regarding the Express Terms, CDPH Title 24, Chapter 31B, Public Pools, 7/15/2011.

Please refer to the attached publication entitled "State Laws on Cardiac Arrest & Defibrillators," by the National Conference of State Legislatures. According to the publication, New York is currently the only state that requires Automated External Defibrillator (AED) units at its swimming pools. This information indicates that the other forty-nine states, including California, are behind.

In my written public comments to the proposed Title 22 Regulations for Public Swimming Pools dated June 23, 2011, I mentioned that in order to receive Lifeguard Certification from the American Red Cross or the YMCA, the candidate must first complete a course in CPR with AED. For California public swimming pools with lifeguard personnel on duty, personnel who are trained to use AED units are already in place. Therefore, the burden falls on the State of California to ensure that the necessary AED units are readily accessible for the lifeguards to use on site.

Now the issue is where to place such requirements for AED units. Should they be placed in Title 24 as a "construction standard?" Or should they be placed in Title 22 as "administrative requirements?"

A typical Automated External Defibrillator unit with a storage cabinet costs approximately \$1,500. The Draft Title 22 Regulations do contain a list of first aid supplies to be included in the first aid kit, and all of the items on the list are less expensive than an AED unit.

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Dave Walls, Executive Director
California Building Standards Commission
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Suite 130
Sacramento, CA 95833-2936

**Subject: Notification of modifications to California Building Code,
CCR Title 24, Part 2, Chapter 31B, Public Pools**

Mr. Walls,

I request to be notified of any modifications regarding the California Building Code, California Code of Regulations, Title 24, Part 2. My contact information is:

Mailing address:
20 Azalea Place
Novato, CA 94949-7217

Email: chemruck@sbcglobal.net

Sincerely,



Catherine Rucker, EMT-1
B.S. Chemistry, UC Berkeley
A.S. Fire Technology, Santa Rosa Junior College

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I do understand that the Commission is in the process of refining the language of the proposed Express Terms for Title 24 Chapter 31B. (Per the NOPA, "Please limit comments to the modifications to the text only.") In my opinion, requirements for AED units should have been included in the original draft in order to:

...require the public pools in California to meet current health and safety practices, standards, and operational requirements. (Draft proposed Title 22 Public Pool Regulations dated 3/25/2011)

Because AED units are currently optional pieces of equipment to have at California Public Swimming Pools, we have a situation of the "haves" and the "have not's." This is inadequate and unacceptable. In order to protect the public health, all California Public Swimming Pools with Lifeguard personnel on duty must be required to have AED units on site. For "Water Parks," which are spread out in area, there must be multiple AED units with a minimum travel distance requirement. Please add appropriate AED requirements to the proposed Title 24 regulations or the proposed Title 22 regulations.

Thank you for your consideration.

Sincerely,



Catherine Rucker, EMT-1
B.S. Chemistry, UC Berkeley
A.S. Fire Technology, Santa Rosa Junior College
Cell 415-246-6647

Attachments:

"State Laws on Cardiac Arrest & Defibrillators," National Conference of State Legislatures, www.ncsl.org, updated September 2009, material added November 2010, 12 pages

References:

Express Terms, CDPH Title 24, Chapter 31B, Public Pools, 7/15/2011

Draft Proposed Title 22 Proposed Pool Regulations, dated 3/25/2011

C. Rucker public comments regarding Title 22 Proposed Pool Regulations dated 3/25/2011 (June 23, 2011)

Copies to:

Robin Belle Hook, REHS, Environmental Health Services Section Chief
California Conference of Directors of Environmental Health (CCDEH)
California Spa & Pool Education Commission
Linda Mayo, California PTA VP of Health



State Laws on Cardiac Arrest & Defibrillators

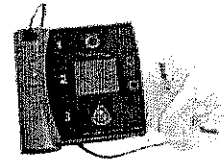
Encouraging or requiring community access and use

Updated September 2009; material added November 2010

Each year, more than 250,000 Americans die from sudden cardiac arrest. According to medical experts, the key to survival is timely initiation of a "chain of survival", including CPR (cardiopulmonary resuscitation). Because of recent technological advances a portable lifesaving device, called an **"automated external defibrillator"** or **"AED"** has recently become an important medical tool. Trained non-medical personnel can use these simplified electronic machines to treat a person in cardiac arrest. The AED device "guides the user through the process by audible or visual prompts without requiring any discretion or judgment."¹ The American Heart Association notes that at least 20,000 lives could be saved annually by prompt use of AEDs. Ultimately, with broad deployment of AEDs among trained responders, as many as 50,000 deaths due to sudden cardiac arrest could be prevented each year.

Advocates of this approach envision placement of AEDs in public buildings, transportation centers and even large offices and apartment buildings. Meanwhile, the commercial market has expanded substantially, with machines that once sold for \$3,000 and up now advertised at under \$1,000 for small office, personal or home use.

State Legislators have become actively involved with this issue in the past six years. Most commonly, the recent state laws encourage broader availability, rather than creating new regulatory restrictions. Most of the bills enacted from 1997 to 2001 included one or more provisions to:



*automated
external
defibrillator*

- Establish legislative intent that an "automatic external defibrillator may be used by any person for the purpose of saving the life of another person in cardiac arrest."
- Encourage or require training in the use of AED devices by potential users.
- Require AED devices to be maintained and tested to manufacturer's standards.
- Create a registry of the location of all such defibrillators, or notification of a local emergency medical authority.
- Allow a "Good Samaritan" exemption from liability for any individual who renders emergency treatment with a defibrillator.
- Authorize a state agency to establish more detailed requirements for training and registration.

Florida was the first state to enact such a broad public access law in April 1997 (Chapter 34 of 1997). As of 2001, all fifty states, listed below, had enacted defibrillator laws or adopted regulations.

In **2003**, **Utah** updated its AED law by establishing a statewide registry; while **Virginia** updated AED laws by deleting the requirement for registration. **Alabama, Alaska, Colorado, Connecticut, Indiana, Kansas, Nebraska, Nevada, Tennessee** and **Texas** also changed or expanded their AED laws.

In **2004**, AED laws were changed or expanded in **Connecticut, Florida, Hawaii, Idaho, Illinois, Louisiana, Maine, Michigan, Missouri, New York, Ohio, Oklahoma** and **Rhode Island**. The **Illinois law** (H. 4232) requires every physical fitness facility to have at least one AED on premises, by mid-July 2006, with exceptions.

In **2005-06**, **Maryland** added a requirement that every high school and school-sponsored athletic events have an AED available. **California** required health clubs to have at least one AED. **Florida** authorized state and local police vehicles to carry an AED. **Indiana** and **Virginia** repealed filing and training requirements. **New York** required places of public assembly to maintain an AED. **Oregon** updated Good Samaritan protection for trained AED providers, employers, property-owners and sponsoring agencies. **Arizona, Colorado, Florida, Illinois, Maryland, Massachusetts, Nebraska, New Jersey, Pennsylvania**, and **Wisconsin** also enacted AED laws.

In **2007** **Texas** added a requirement for AEDs not approved for over-the-counter sales

In **2008** laws were enacted in **Georgia, Idaho, Illinois, Indiana, Iowa, Massachusetts, New Hampshire, New York, South Carolina, Tennessee, West Virginia, Wisconsin** and the **District of Columbia** (as of July 8, 2008).

In **2009**, **Illinois** added dentist offices; **Kansas** and **North Carolina** expanded access by allowing "any person to use an AED."

In **2010**, recently **Arizona, Idaho, Maryland, Missouri** and **Oregon** enacted laws to assure that program facilitators, individuals, businesses and entities that place AEDs in their establishments are afforded appropriate immunity. Maryland and Missouri's new laws also guarantee protections to lay rescuers who in "good faith" use an AED when working to save someone from sudden cardiac arrest. **Iowa** and **Wisconsin** require all high schools students to be offered life-saving CPR training. These trainings must offer psychomotor skill development, which help ensure critical hands-on course work will be offered. **Arkansas** secured \$300,000 to fund a Medical Emergency Response Planning in Schools program to assure that the AEDs are placed appropriately and school staff is trained properly. (adopted from AHA materials)

AED Location	States Requiring or Supporting AED Placement
Schools	Colorado (donations), Florida, Georgia (2008), Illinois, Iowa (2010), Maryland, Michigan, Nevada, New York, Ohio, Pennsylvania, South Carolina (2008), Virginia and Wisconsin (2010) require some schools to have portable defibrillators; actual extent varies. Tennessee "encourages" placement in schools (2008.)
Health Clubs	California, Illinois, Indiana (2007, 2008), Massachusetts (2007), Michigan, New Jersey, New York, Rhode Island and the District of Columbia (2008) laws now require health clubs to have at least one AED. <i>Definition example (Michigan):</i> "Health club" means an establishment that provides, as its primary purpose, services or facilities that are purported to assist patrons in physical exercise, in weight control, or in figure development, including, but not limited to, a fitness center, studio, salon, or club. A health club does not include a hotel or motel that provides physical fitness equipment or activities, an organization solely offering training or facilities for an individual sport, or a weight reduction center.
Day Care Centers	Wisconsin (2008 - requires day care center personnel to have AED proficiency)
Dental offices	Illinois (2009), Wisconsin (2008- requires dentists to have AED proficiency.)
Places of Public Assembly	New York (2006)
Swimming Pools	New York (2008)

Congress Acts on AEDs:

In 2002, Congress incorporated the Community Access to Emergency Devices Act (Community AED Act) into H.R. 3448 of 2002 (sections 159, 312 and 313) of the Public Health Security and Bioterrorism Response Act. The President signed the bill on June 12, 2002 as Public Law 107-188. The provisions authorize \$30 million in federal grants in year one of the five-year measure. The grants, to be made available to applying states and localities, would be used for the purchase and placement of automated external defibrillators (AEDs) in public places where cardiac arrests are likely to occur. Grant funds would also be used to train first responders to administer immediate life-saving care, including AED use and cardiopulmonary resuscitation (CPR). The bill also encourages private companies to purchase AEDs and to train employees in CPR and emergency defibrillation.

TABLE OF STATE LAWS:

Notes: The following references are to signed, enacted legislation in the 50 states. They reflect examples and actions at a particular time and are not intended as a comprehensive review of history and current statutes. Law citations in color are links directly to bill text or summaries on state legislative web sites.

NOTE: NCSL provides links to other Web sites from time to time for information purposes only. Providing these links does not necessarily indicate NCSL's support or endorsement of the site.

Chart Codes:

A = allow lay persons to use AEDs; terms and conditions

L = provide limited immunity for trained lay persons under state Good Samaritan law.

M = mandated or required installation

\$ = funding and distribution

State	Law /Year/Sponsor	Codes	Comments
AL	S 5; S 351	A / L	Use plus \$3 million funding (<i>Enacted 6/9/99</i>)
AL	SB 373 (1998)	\$	Appropriation: \$3 million for purchase of AED
AL	H 325 Of 2001	\$	Appropriates \$300,000 for AEDs (<i>Signed 5/7/01</i>)
AL	HJR 504	\$	Non-binding resolution requests that the Alabama Council of Emergency Medical Services and the Alabama Chapter of the American Heart Association contact the manufacturers of automated external defibrillators urging them to establish a registry of automated external defibrillators. (<i>Signed 6/18/03</i>)
AK	H 395 of 1998 Rep. Bunde S 160 of 2003 Sen. Olson	A / L L	(H 395 Signed 5/14/98) Expands protections for AED users from civil liability. A person who uses or attempts to use an AED device on a victim of a perceived medical emergency is not liable for civil damages resulting from the use or attempted use of the device. (<i>signed 6/03</i>)
AR	Act 101 of '99 HB 1006 (1999) Rep. Lavery	A / L	(<i>Signed by Governor 2/18/99</i>)
AZ	SB 1070 of 2002 HB 2091 of 2006	\$ A / L	Will require any state building constructed or renovated at a cost of at least \$250,000 to be equipped with automated external defibrillators. Requires future budgets to include funding. HB 2091 concerns limited volunteer liability and automated external defibrillators. (<i>Signed 4/17/06</i>)
AZ	HB 2475 of 1999	A / L	(<i>Signed 5/12/99 as Chapter 217 of 1999</i>)
CA	Statute: Health & Safety Code 1797.190 SB 911 of 1999 AB 2041 of 2002 ACR 57 of 2005 Assm. Pavley	A L L \$	"Only those individuals who meet the training and competency standards established by the authority shall be approved for, and issued a prescription authorizing them to use AED." SB 911 - added exemption from liability. AB 2041 changes liability provisions. Urges all State public schools maintaining kindergarten or any of grades 1 to 12, inclusive, to implement an automated external defibrillator program
CA	AB 1507 of 2005	M	Health and Safety Code §104113 - Requires every health studio to acquire an AED. Exempts hotels.
CO	HB 1283 of 1999 Rep. Spence HJR04-1090 (2004)	A / L A	"Expected AED users receive training... through a course approved by the department of public health and environment" (<i>signed 4/16/99</i>)

	Rep. Spradley SB 170 of 2005 Sen. Spence Colorado Revised Statute 22-1-125/SB 08-181 (2008)	\$ A / L	COMMENDING THE AED DONATION PARTNERSHIP BETWEEN THE AMERICAN HEART ASSOCIATION AND KAISER PERMANENTE. Requires schools to accept donated AEDs or cash donations toward purchase of an AED for each district and school athletic facility. Encourages placement in each public school; provides good samaritan exemption from liability. (Signed 4/26/05) SB 08-181- The General Assembly hereby declares that it is the intent of the General Assembly to encourage school districts to acquire and maintain automated external defibrillators on public school grounds. The General Assembly finds that it is in the best interest of students, staff, and visitors to a public school to ensure that automated external defibrillators are available in public schools for use in emergency situations.
CT	S 318 of 1998 Rep. Flaherty H 5650 of 2000	A / L A	User must be trained (<i>signed 5/19/98</i>) H 5650 allows paramedics to use AEDs (<i>signed 5/3/2000</i>)
CT	H 7505 of 2001 (in § 37)	A	Trained emergency personnel "shall not be subject to additional requirements" (<i>signed 7/2/01</i>)
CT	H 5627 of 2003	A/ \$	Requires the Dept. of Public Health to develop strategies for training, and to availability and use for "cardiac arrest victims in public settings, including, but not limited to, state facilities, municipal facilities and mass public gatherings" with report due 1/1/04. (<i>signed 5/23/03</i>)
CT	H 5631 of 2004	A	Directs the state to (1) Identify placement and use of automatic external defibrillators within the emergency medical services system; (2) establish guidelines for providing emergency medical services during mass gathering;.
DE	H.332 of 1999 Rep. Ennis H.430 of 2000	A	Requires the Office of Emergency Medical Services to coordinate a statewide effort to promote and implement widespread use of semi-automatic external defibrillators (SAEDs) and to maintain a minimum number of individuals trained to use SAEDs. [see note #3]
DE	FY'02 Budget FY'03 Budget	\$	The state allocated \$752,000 for 2001 and \$375,000 for 2002 to buy defibrillators at a cost of \$2,500 to \$3,500 each as part of the <i>First State, First Shock!</i> Public Access Defibrillation Program. For FY'03 an additional \$141,400 has been allocated from tobacco settlement funds. Schools, businesses and other public places must apply to the state Emergency Medical Services office, which determines how many defibrillators are needed based on the number of athletic programs or people congregating at a particular location. [article]
DC	D.C. Law 13-279; D.C. Official Code Section 44-233). (2001) B 738 of 2008 B867 of 2008	L \$ L	Signed as Act Number 392 of '08.
FL	H. 411 of 1997	A / L	Use by any person who has had appropriate training; must complete basic AED course; must activate emergency medical services system upon use. (<i>Signed 4/97 as Ch 34 of 1997</i>)

FL	H. 1429 of 2001 Rep. Byrd SB 1436 of 2005 (Chapter No. 2005-109) SB 772 of 2006 (Chapter 2006-301) Sen. Constantine	L \$ M	Expands immunity from civil liability for any person who uses or attempts to use an AED on a victim of a "perceived medical emergency." Authorizes state and local law enforcement vehicles to carry an AED; authorizes local governments to use forfeiture funds for purchasing such defibrillators. Requires AEDs in all public schools with high school athletics; encourages public & private partnerships to cover costs. <i>(Signed 6/26/06; effective 7/1/06)</i>
GA	S. 566 of 1998 Sen. Hill	A / L	Use by "any appropriately trained person"; owners must be subject to direct supervision of a physician. <i>(Signed 4/6/98)</i>
GA	S. 51 of 2001 Sen. Thomas H 1031 of 2008	A / L M	Updates standards for training and use; provides definitions for immunity from civil liability. <i>(Signed 4/26/01)</i> No later than July 1, 2008, each public high school with an interscholastic athletics program shall have at least one functional automated external defibrillator on site at such school at all times and easily accessible during any school related function.
HI	H.2598 of 1998 Rep. Kawakami	A / L	User who completes training by physician is immune from civil liability. <i>(Signed 7/14/98)</i>
IA	Reg.: Public Health 641-132.1(147A) S 505 of 2008	A / L L	Public Health administrative regulation. Amends the law to clarify the entities that are not liable for civil damages.
ID	S 1185 of 1999 S 1420 of 2008	A / L L	Section 5-337, Idaho Code (passed as <i>Chapter 351 of 1999; effective 3/25/99</i>) S. 1420 revises the requirements for those persons or entities who acquire a defibrillator as a result of a prescription, to provide immunity for any civil damages. <i>(Chapter 299, signed 3/28/08)</i>
IL	Public Act 90-746 HB 1217 (1998) Public Act 91-524 SB 458 (1999). HB 43 (2003) <u>Public Act 93-910; HB 4232 of 2004</u> Public Act 94-876, H.B. 542 of 2006 H 1279 of 2008	A / L \$; M M \$ M	SB 458 expands AED - <i>(Signed 8/13/1999)</i> HB 43 Requires each fitness facility, including those in schools, to have on its premises at least one automated external defibrillator (AED) and a trained AED user <i>(passed 6/25/03)</i> H. 4232 requires every physical fitness facility to have at least one AED on premises, by mid-July 2006, with exceptions. Also requires a trained user on premises. <i>(Signed as Public Act 93-910 8/12/04; Cite as 210 ILCS 74 /15)</i> Public Act No. 94-876 creates a state income tax checkoff for the Heartsaver AutoMated External Defibrillator (AED) Fund. <i>(Signed 6/19/06)</i> H 1279: A physical fitness facility must ensure that there is a trained AED user on staff and present during staffed business hours. <i>(as amended 2009)</i>
IL	H. 921 (Act 748 of 2009) Dentists: 225 ILCS 25/44.5 new	M	Provides that a physical fitness facility must ensure that there is a trained automated external defibrillator user on staff during staffed business hours. Amends the Dental Practice Act, requiring dental offices that administer anesthesia to contain an AED. <i>(Signed 8/20/09)</i>
IN	<u>S. 171</u> (1998) Sen. Adams HR 1106 of 2006	A / L A / L	(IC 16-31-6.5) Owners shall ensure that "expected users" complete a training course.

	SB 134 of 2007, Sen. Miller HB 1137 of 2008	M	Removes the requirements that an entity that acquires a defibrillator have an "AED certificate" or ensure that the users have completed AED courses or have enlisted a physician for medical direction. <i>(Signed as Public Law 74 of 2006 on 3/17/06)</i> A health club "shall ensure that a defibrillator" is located on the premises and must employ at least one trained operator on location during all business hours. <i>(Signed as Public Law 3 of 2008, on 3/13/08)</i>
KS	SB 535 Senator Steineger SB 102	A / L A / L	(K.S.A. 1997 Supp. 65-6144, §19) AED "may be used by any person who has ...obtained training and demonstrated proficiency in use..." (signed 5/98) SB 102 expanded access by allowing "any person" to use an AED and repealed "qualified user". <i>(Signed as Chapter No. 2009-96, 5/20/2009)</i>
KY	HB49 Rep. J. Coleman	A / L	(signed 2/2000)
LA	S 100 Senator Hines	A / L	Law: R.S. 40:1236.11 (Signed 7/2/99)
ME	LD1432 Rep. Bumps	A	<i>(Signed by Governor, 6/6/01)</i>
MD MD	S. 294 Del. Hollinger HB 1200; S.249 Del. Lee	A / L M	Adds MD Education Code §13-517 - Requires facilities to have a certificate before making AEDs available; users should have training and authorization before use; requires reports and records. <i>(enacted 4/27/99)</i> Requires every school in the state to have an AED on the premises and at all school-sponsored athletic events, as well as someone trained and certified to use it. <i>(HB 1200 signed by the Governor as Chapter 203, effective June 2006)</i> [article 6/15/06]
MA MA	S 2164 (chapter 137) signed 1998 Sen. Morrissey Chapter 142 of 1999 S 2681 of 2006 (Chapter 420) MGL Ch. 93, §88 H 4900, item #4510-0793 (2008)	A / L L M \$	Any person trained in AED or basic cardiac life support is immune from civil liability. 1999 law adds definition of AED Provider. 2006 law requires AEDs in health clubs; provides for volunteer exemption from liability. Effective date 2008 for facilities with 6+ employees and 2009 for facilities with 1-5 employees. (Signed 1/3/07) Appropriated \$22,532 for a federally funded grant entitled, RURAL AEDs.
MI	H.4420 Rep. Gerald Law SB 310 of 2006 (Public Act 23 '06); - SB 1085 of 2006 (Public Act 332 '06) ; SB 1095 of 2006 (Public Act 342 '06)	A / L M \$ \$	Extends MI §691.1504, the Good Samaritan law on CPR, to include immunity for AED use. <i>(Signed; Effective date 11/16/99)</i> SB 310 requires AEDs in all health clubs. Requires "obvious and ready accessibility" to AED by staff, members, and guests and one or more trained employees. Fines of \$250-\$1,000 for violations. <i>(Signed & effective 2/21/2006)</i> SB 1085 states the state "should work with districts" to secure a bulk-purchase discount on AEDs. <i>(signed & effective 8/30/2006)</i> SB 1095, Sec. 99d. appropriates up to \$100,000 for school AEDs in FY2006-07; providing that districts provide a 50% local match; and requiring that high schools and lower-income districts be served first. <i>(signed & effective 8/30/2006)</i>
MN	S 2861 (1998 Chanter	A / L	Non-professional user is exempt from civil liability

	329) S 3345 of 1998	\$	Appropriates \$450,000 for distribution to law enforcement.
MS	H 954	A / L	Appropriate training "required"; A Mississippi licensed physician must exercise medical control authority. <i>(Signed 3/30/99)</i>
MO	HB 1668 [section 190.092] Rep. Hosmer SB 1107 (2002) HB 1195 (2004)	A / L	Use by emergency personnel or any person who has completed a course certified by the American Red Cross or American Heart Association that includes CPR. <i>(Signed 1998, 2002, 2004)</i>
MT	H 126 of 1999	A / L	<i>(Enacted 4/19/99)</i>
NE	L 498 of 1999 Sen. Wickersham	A / L	<i>(Enacted 3/30/99)</i>
NE	L 667 of 2003 Sen. Jensen L 176 of 2006	A A	Requires owners of AEDs to notify the local emergency medical service of the existence, location, and type of the defibrillator unless the defibrillator was acquired for use in a private residence, a health care facility, or a health care practitioner facility. <i>(Signed 5/13/03)</i> Changes provisions relating to automated external defibrillator use <i>(Signed 3/9/06)</i>
NH	S. 67 of 1999 S 386 of 2002 H 1136 of 2008	A / L A A / L	<i>(Signed 7/16/99)</i> S 386 establishes an AED registry and requires all commercial owners to register their devices with the department within 30 days of acquisition. <i>Effective July 2002.</i> H 1136 limits the training requirement for AED use to "anticipated responders" and permits use by others. <i>(Signed as Chapter 207, 6/26/08; effective date 8/25/08)</i>
NJ	Chapter 34 of 1999, formerly A 2321 S 2567 of 2004-05 Sen. Vitale S 3000 of 2005 Sen. Bryant	A M \$	A person shall not use a defibrillator unless trained. <i>(signed 3/8/99)</i> Requires health clubs to acquire and maintain at least one automated external defibrillator and store it in an accessible location within the health club. Requires one or more AED trained employees. <i>(Signed 1/12/06 as Chapter 346)</i> Appropriates \$1,000,000 for the "AED Grant"
NM	S. 1a of 2002	\$	Appropriates \$100,000 for automatic external defibrillators in state buildings, from the tobacco settlement program fund. <i>(Became law by veto override 5/24/02)</i>
NM	H. 375	A / L	<i>(Enacted 4/1/99)</i>
NV	AB 147; Ch. 474 of 1997 AB 409 of 1999 AB 441 of 2003 (Act # 402 of '03)	A / L M	(AB 409) Use is allowed by "any person who has successfully completed the training requirements." Encourages employers to hire a person trained in CPR and AED use. <i>(Enacted 5/20/99)</i> AB 441 - NRS 450B.600 requires AEDs in public high schools for all districts with 100,000+ students; all sporting events connected to the University of Nevada, all larger airports and larger county and state offices buildings.
NY	A 8779 of 2002	M	Requirements for public school facilities with more than 1000 persons to provide and maintain on-site AED

NY	A 5084 of 2004 (General Business § 627-a) A 236 of 2006 S 7001 of 2006 AR 1184 of 2008 S 6807 of 2008 A 2988 of 2008	M A, M M / \$ M	equipment. Also requires that all school sponsored activities have at least one AED trained staff person present. A 5084 requires health clubs with a membership of 500 or more to have at least one AED. (<i>Signed 7/20/04 as Chapter 186</i>) A 236 requires that CPR and the use of AEDs be taught in health class at senior high schools by teachers that possess valid certification in the operation of AEDs. (<i>Signed 7/26/06 as Chapter 315</i>) Requires places of public assembly to maintain an AED and to have at least one employee who is trained. (<i>Signed 9/13/06</i>) Memorializing Governor Eliot Spitzer to proclaim 2008 as the Year of the Defibrillator in the State of New York. (<i>Signed 1/23/08</i>) Providing a tax credit for purchase of an AED by a new business in New York. Requires recreational swimming facilities to maintain an AED. (<i>Signed 9/4/08 as Chapter 500</i>)
NY	S 5477 of 1998 (Public Health Law § 3000-B) Sen. Goodman	A / L	Only a person who has completed training in CPR & AED operation may use. Authorizes possession & use after obtaining written agreement w/ emergency health care provider. (<i>Signed 8/5/98</i>)
NC	S1269 [text] Sen. Warren H 1433 of 2009 (N.C. Section 90-21.16)	A / L A / L	Provides immunity for AED users, as well as trainers, owners and physicians who write prescription for AED purchase. (<i>Signed 7/14/2000, effective date 10/1/2000</i>) Clarifies broad immunity from liability of volunteers using automated external defibrillators in emergency situations. (<i>Signed as Session Law Number 2009-424, 8/5/09</i>)
ND	H 1242 of 1999	A / L	Requires notification of Dept. of Health of location of AEDs. See agency description of <i>Chapter 300 of 1999</i> (<i>Enacted 3/99</i>)
OH	HB 717 of 1998 HB 434 of 2004 Rep. Calvert	A / L \$, M	(<i>Signed 12/17/98; Effective 12/98</i>) HB 434 appropriates \$2.5 million for AEDs in public schools for FY 2005-06 from Tobacco Settlement funds; allows public, charter and community school districts to require AEDs. (<i>Signed & effective 5/28/04</i>)
OK	HB 1190 of 1999 by Rep. Stanley	A / L	(<i>Enacted 4/26/99</i>)
OR	<u>SB 313</u> ; <u>SJR 32 of 2001</u> Sen. Nelson	A / L	States use of AED is "medical care." (signed 6/4/99; <u>replaced</u> by HB 3482 below). Urges agencies to place AEDs in state buildings, public places, and local government sites. Does not provide funds. (<i>passed 4/01</i>)
OR	<u>HB 3482 of 2005</u>	A / L	Updates Good Samaritan protection for trained AED providers, employers, property-owners, or agencies who make AEDs available for use, physicians who oversee AED programs, and training providers. AED providers must maintain necessary training and ensure that deployed AEDs have current batteries and electrode pads. The new law, Oregon Revised Statutes 30.802, superseded Oregon's previous AED Good Samaritan law, ORS 30.801. [Detail provided by Tualatin Valley Fire & Rescue, 2007]

PA	HB 4 of 2001	\$	Established a one-time program to assist school entities to acquire AEDs. The funds were appropriated by the General Assembly and after a bidding process the statewide contract for two AEDs per school district was awarded - each school district was offered two free AEDs and each intermediate unit and area vocational-technical school was offered one free AED. In addition, AEDs are made available to other school entities including non-public, private, charter and independent schools that meet program requirements. PA program details online SB 5 appropriated \$2.4 million for school AEDs.
	SB 5	\$	
PA	H.1897 of 1998	A / L	§11 of bill provides AED civil immunity (<i>Signed 12/15/98</i>)
RI	S.2239 of 1998 & S.920 of 1999 H.7336 of 2000 RI §23-6.2-2 Sen. Polisenia Sen. Kelly Rep. Fox	- \$	S.239 mandates distribution of AED devices to every city, town and public college in R.I. Allows use by state police. S.920 funds 35 AEDs to State Police. (<i>signed 6/99</i>) H.7336 requires AED placement in every city, town, college campus and judicial office. (<i>signed 7/00</i>)
SC	S 728 of 1999 H 3723 of 2008 S 71 of 2008	A / L M	(Enacted 6/1/99) Also see S 71 below. (Section 59-17-155) Subject to state appropriations, requires that each school district shall develop and implement an AED program including placing and AED in each school and requiring training for all employees "reasonably expected" to use it. (<i>Vetoed by governor; became law by veto override as Acts 206 & 278 of 2008, 6/17/08</i>) > S 71 provides expanded immunity from civil immunity for use of AEDs.
SD	S 83 of 2000 Sen. Hainje	A / L	Requires a physician to authorize in writing placement, training and maintenance; users also must activate emergency services. (<i>Signed, 2/00</i>)
TN	H.2970; Ch. 963 of 1998 Rep. Halteman-Harwel H.1218 of 1999	A / L	Expected users shall complete AED course; maintain & test device; users also must activate emergency services. (<i>Signed 5/11/98</i>)
TN	S 281 of 2003 Sen. Williams H 2775 of 2008	A M	Strengthens registration requirement from "encouraged" to "required" within a reasonable time. (<i>Signed 5/03</i>) The "General Assembly encourage(s) local educational agencies to provide, within existing budgetary limits, automated external defibrillators in schools to provide additional safeguards against loss of life from sudden cardiac incidents. (<i>Signed as Chapter 795, 4/23/08</i>)
TX	HB 580 of 1999 Rep. Kyle Janek	A / L	(<i>Enacted 6/99</i>)
TX	HB 1 of 2003 Appropriations Bill	\$	FY 04 budget requires the Department of Health to allocate for the purchase and placement of AEDs in state-owned and leased buildings. "The department shall establish criteria to identify up to 100 key locations for placement" by December 31, 2003. (<i>Signed 6/22/03</i>) Requires that a person or entity that acquires an automated external defibrillator that has not been approved by the United States Food and Drug Administration for over-the-counter sales shall ensure that it has been
TX	HB 92	A	

			delivered to the person or entity by a licensed practitioner in the course of their professional practice or upon a prescription or other order lawfully issued in the course of professional practice, or if the equipment is for sale or lease, the person or entity meet certain requirements. Signed 5/8/07
UT	<u>HB 98 of 1998</u> Rep.Valentine <u>HB 50 of 1999</u> Rep. Siddoway <u>SB 86 of 2000</u> Sen.Valentine <u>SB 95 of 2003</u> Sen. Valentine	A L L	Allows use by trained persons w/o a license. H.B. 50, now Chapter 285 of 1999, expands Good Samaritan liability exemption S.B. 86, liability exemption extended to laypersons S.B. 95 establishes a statewide database for the collection and distribution of information regarding the location of commercially owned fully automated external defibrillators, including mandatory registration.
VA	<u>HB 2097 of 1999</u> <u>HB 1049 of 2000</u> <u>HB 1860 of 2003</u> Del. O'Bannon SB 1146 of 2006	A / L L A / L A	HB 1049 clarifies and expands immunity (<i>Signed as Chapter 928, effective 7/00</i>) SB 1146 eliminated the registration program for automated external defibrillators HB 1860 further defines immunity, and lifts restrictions on public use, eliminates the requirement for registration of automated external defibrillators. <i>Effective 4/03.</i>
VT	<u>S 283 of 2000</u> Senator Illuzzi	A / L	Prohibits any person from operating an AED unless the person has successfully completed a training course in the operation of the AED. Users providing emergency care will not be liable for civil damages. (<i>Signed 5/2000</i>)
WA	H 2998 of 1998 Rep. Sheahan	A / L	Owners shall ensure "expected users" complete a training course.
WI	<u>AB 239 of 1999</u> <u>AB 521 of 2000</u> Senator Johnsrud SB 186 of 2006 SB 142 of 2008	A / L A / L A / L A / M	AB 239 (<i>Signed 7/99</i>) AB 521 redefines first responders and clarifies required training (<i>Signed 4/13/2000</i>) SB 186 provides immunity from civil liability for users, owners, and providers of AEDs for acts or omissions in rendering emergency care in good faith. (<i>Signed 5/30/06 as Act 486</i>) SB 142 Approves individuals, organizations, or institutions of higher education to provide instruction in the use of an AED. Requires all dentists and all day care center licensees, and all employees of a day care center, who provide care and supervision for children have current proficiency in the use of an AED. (<i>Signed as Act 104 of 2008, 3/14/08</i>)
WV	H.2269 of 1999 S 619 of 2008	A L	Section 16-4D-3 Requires registration of AED owners and locations; training and testing; also provides liability exemption for trained users. (<i>enacted 4/99</i>) (Section 16-4D-2) adds definitions for anticipated and unanticipated users of AEDs and limits liability toward unanticipated users who render aid.
WY	<u>H. 178</u> Rep. Diercks	A / L	Any person acquiring an AED required to ensure that "expected defibrillator users" receive training." (<i>enacted 3/99</i>)

FEDERAL ACTION:

Congress Acts on AEDs: In May 2002 President Bush signed into law the Community Access to Emergency Devices

Act (Community AED Act) within H.R. 3448 (sections 159, 312 and 313) of the Public Health Security and Bioterrorism Response Act. The President signed the bill on June 12, 2002 as Public Law 107-188. The provisions authorize \$30 million in federal grants in year one of the five-year measure. The grants, to be made available to applying states and localities, would be used for the purchase and placement of automated external defibrillators (AEDs) in public places where cardiac arrests are likely to occur. Grant funds would also be used to train first responders to administer immediate life-saving care, including AED use and cardiopulmonary resuscitation (CPR). The bill also encourages private companies to purchase AEDs and to train employees in CPR and emergency defibrillation.

On November 13, 2000 President Clinton signed the federal "Cardiac Arrest Survival Act", in H.R. 2498, now Public Law 106-505, regarding the placement of AEDs in federal buildings and providing civil immunity for authorized users. If a Good Samaritan, building owner, or renter acts in good faith to purchase or use an AED to save a life, this law will provide protection from unfair lawsuits. It appropriates \$25,000,000 for fiscal years 2001 through 2003 for local grants to purchase AEDs. The federal bill does not preempt state laws on immunity. Many of the 49 states with existing laws cover additional issues not addressed in this bill. U.S. Rep. Cliff Stearns (R-FL) and 132 cosponsors sponsored H.R. 2498.

The Aviation Medical Assistance Act, Public Law 105-170, was the first federal law addressing the positive use of AEDs, signed April 24, 1998 by President Clinton. It declares that air carriers and individuals "shall not be liable for damages" in attempting to obtain or provide assistance on airplanes. It directs the FAA Administrator to "evaluate regulations" and decide on future required use of AEDs on passenger aircraft and in airports.

RELATED WEB RESOURCES:

Sudden Cardiac Arrest Association

NY: After another saved life, new effort on school defibrillators - AP article 3/7/07.

CT: Bill would require defibrillators in health clubs - article 1/25/07.

"Community Safety: AEDs" - Example of a user-friendly, informative local distinct web site, by Tualatin Valley Fire & Rescue, 2007.

Chain of Survival web site - sponsored by Agilent Technologies and Laerdal Medical Corporation.

AEDs for sale to the general public - link to Amazon.com "click and buy" examples, with prices typically \$1,250 to \$1,500. [intended as a policy tool, not an offer to purchase] -updated January 2010.

The AED Law Collection - a commercial publication, features "comprehensive AED Law Insights summaries for each state." <http://www.atrusinc.com/sitebuildercontent/sitebuilderfiles/statenotification.pdf>

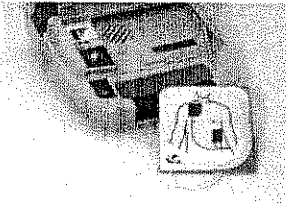
Disclaimer: The descriptions of state laws provided in this memorandum are abbreviated for ease of use. Use the links or citations to full text of the laws for a more complete understanding of individual state's laws and procedures. NCSL is not responsible for interpretation or local application of these laws and regulations.

Definitions - cardiac arrest or heart attack?

Sudden cardiac arrest occurs when the heart fibrillates - a chaotic, abnormal electrical activity of the heart -- which causes the heart to quiver in an uncontrollable fashion. The person loses consciousness very quickly and unless the condition is reversed, death follows in a matter of minutes. Heart attack, on the other hand, occurs when the blood supply to part of the heart muscle itself is severely reduced or stopped because of an obstruction in an artery. A heart attack can trigger sudden cardiac arrest, but they are not the same things. Mixing up the terms "heart attack" and "cardiac arrest" is quite common. In the media, reporters often misreport people dying from a "massive heart attack." Chances are, the reporter is actually referring to sudden cardiac arrest. Making the distinction is important because, while both heart attack and cardiac arrest are medical emergencies, a person suffering cardiac arrest literally has minutes



portable
AED,
2002



2003

are medical emergencies, a person suffering cardiac arrest literally has minutes to live and responding with an AED within those minutes will mean the difference between life and death for the victim.

- Source: American Heart Association, 1999

Notes:

- 1 - CT: Quote from summary of CT S 318 of 1998.
- 2 - WA: "Final Bill Report, SHB 2998: Synopsis as Enacted" Washington State Legislature.
- 3 - DE: The Delaware Health & Social Services, Division of Public Health, Office of Emergency Medical Services promulgated: "The Delaware Early Defibrillation Program Administrative Policy", Protocol revised 5/6/98. §9 Provider Training Program "shall be under the direction and supervision of the American Heart Association".

For a more detailed discussion of the medical and social implications of this issue see "Is It Time for Over-the-Counter Defibrillators?" by Mickey Eisenberg, M.D., and "The Shocking Truth about AEDs" by Jeremy Brown, M.D., both published in JAMA, September 20, 2000.

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